

REMARKS

Reconsideration is requested.

Claims 1-32 have been canceled, without prejudice. Claims 33-43 are pending.

Claim 39 has been amended to obviate the objection to the same noted on page 2 of the Office Action dated July 19, 2004. Withdrawal of the objection of claim 39 is requested.

The Section 102 rejection of claims 33-36 and 43 over De Groot ((1997) Journal of Neuroscience Research 49:342-354), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The applicants submit that the present application discloses, for the first time, a method for preparing an astrocyte population suitable for an autograft into a patient. The method according to the present invention involves two different aspects. Firstly, the astrocyte population needs to be essentially free of microglial cells to be suitable for an autograft. Secondly, the astrocyte population needs to be prepared from human adult astrocytes obtained from the patient. For the first time, the present invention discloses a method for preparing a human astrocyte population essentially free of microglial cells from human adult astrocytes obtained from the patient.

De Groot et al concerns the preparation of a population of human adult astrocytes from postmortem astrocytes. The applicants believe that it is important to note that the astrocytes from a live patient cannot be considered to be the same as postmortem astrocytes from a dead subject.

Claim 33 requires that the mixture of astrocytes and microglial cells are directly introduced to the culture vessel in which the 48 h incubation is performed. Therefore,

claim 33 distinguishes over De Groot et al, for example, since the method of De Groot et al comprises an intermediate step of incubating the mixture of astrocytes and microglial cells for 2 hours in a first vessel and subsequently the supernatant of this culture is introduced in a second vessel for 48 h incubation.

Furthermore, in the abstract of De Groot et al, it is noted that their astrocyte cultures comprise 1-3 % of macrophages/microglial cells. The Examiner's reference to page 347 of the cited art is noted however, page 347 of the cited art is understood to only refer to the fact that monocytes/macrophages eventually disappeared upon passaging. The Examiner will appreciate however, that the microglial cells are distinct from monocytes and macrophages.

Therefore, the presently claimed subject matter is submitted to be patentable over De Groot because, at a minimum, the preparation is based on a human adult astrocyte obtained from a live human body (i.e. a patient), the preparation is directly incubated in a vessel for 48 h and the resulting astrocyte population is essentially free of microglial cells.

As for claim 43, the claim requires that the astrocyte population be prepared from a live subject (a patient). Moreover, contrary to the astrocyte population obtained by De Groot et al, the astrocyte population is essentially free of microglial cells. For the first time, the present invention discloses a method for preparing a human adult astrocyte population essentially free of microglial cells from human adult astrocytes obtained from the patient. Therefore, the claims are submitted to be patentable over the cited art.

Withdrawal of the Section 102 rejection is requested.

The Section 103 rejection of claims 33-42 over De Groot et al (1997) in view of US 5,202,120 and US 5,650,148 is traversed. Reconsideration and withdrawal of the Section 103 rejection are requested in view of the following distinguishing comments.

The deficiencies of De Groot are noted above. The cited patents fail to cure these deficiencies. Specifically, De Groot et al fails to disclose or suggest the method according to the claims. U.S. Patent No. 5,202,120 discloses astrocytes immortalization and US 5,650,148 discloses transfection of primary astrocytes by retroviral vectors. These patents do not disclose or suggest a method of producing an essentially pure population of astrocytes which are essentially free of microglial cells or modification of a method of De Groot to make the presently claimed invention. Withdrawal of the Section 103 rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

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By: _____



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